

May 16, 2007



**TRANSCRIPT**  
**May 16, 2007**

**MONTGOMERY COUNTY COUNCIL**

Councilmember Marilyn Praisner, President  
Councilmember Phil Andrews  
Councilmember Marc Elrich  
Councilmember Nancy Floreen  
Councilmember Duchy Trachtenberg

Councilmember Michael Knapp, Vice-President  
Councilmember Roger Berliner  
Councilmember Valerie Ervin  
Councilmember George Leventhal



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1 Council President Praisner,

2 Good morning ladies and gentlemen. Again, we apologize for being a little late but as  
3 you can understand these are the very last days, Councilmembers have been working  
4 very hard. We still have a number of issues to deal with and hopefully we can move  
5 through them and move through the items we have today. So, the first item this morning  
6 is a Status Report Overview of Revenue and Expenditures. Steve Farber and Chuck  
7 Sherer. Again, we have multiple documents that Councilmembers and the Council staff  
8 worked through and some of those have, as we try to make sure the I's are dotted and  
9 the T's are crossed and one and one equals two, has complications associated with it.  
10 Steve?

11  
12 Stephen Farber,

13 Thank you Ms. Praisner. Every year at this time on the next to last day of the budget  
14 process--.

15  
16 Council President Praisner,

17 Steve, can you move the mic a little closer to you. Yeah, that's good.

18  
19 Stephen Farber,

20 Sure, yeah. Every year at this time on the next to last day of the budget process we  
21 bring to you our best judgment of where you are, of what your actions over the last two  
22 months taken together have added up to. This is a very important thing to do as you  
23 make your final decisions. It's also a very challenging job and it requires an outstanding  
24 team effort. We have had that again this year. Chuck Sherer has developed the  
25 spreadsheet on Circles A and B. Janet Kipke has prepared the tracking report on  
26 Circles 1 through 16. Glenn Orlin once again has handled the capital side of the  
27 equation and we also had outstanding help from the entire Council staff, our analysts,  
28 confidential aides and all other members of the staff, just as we have had outstanding  
29 help from Karen Orlansky and the OLO staff. We've worked very closely in terms of  
30 ascertaining the accuracy of this document with our friends from OMB, Joe Beach, Alex  
31 Espinosa, Beryl Feinberg, Katherine Patterson and other members of the OMB staff and  
32 also with our friends from the Finance Department, Jennifer Barrett, Rob Hagedoorn  
33 and David Platt. We've also worked very closely with many other people throughout  
34 County government, MCPS, the College and Park and Planning. It really has been as I  
35 say an outstanding team effort. I have a one page cover memo in the packet for today  
36 and there are five bullets that summarize our understanding of where you are as of  
37 today. And they can be summarized as follows: first of all, your actions taken together  
38 so far have reduced the agency request of County government by \$6 million and placed  
39 \$6 million also on the reconciliation list. For MCPS as to the agency request, your straw  
40 vote decisions to date have made a reduction of 6.9 million in the request and placed  
41 \$950,000 on the reconciliation list. For Montgomery College, your straw votes to date  
42 have reduced the agency request by \$7.7 million and placed the same amount on the  
43 reconciliation list. For Park and Planning your actions to date have reduced the agency  
44 request by 11.4 million and placed 4.5 million on the reconciliation list. And finally, we



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1 have seen reductions in current revenue in the Capital Budget of \$12 million and an  
2 addition to Paygo or bond offset by \$1.1 million. What all of this adds up to at the bottom  
3 line as you can see in the spreadsheet on Circle A Line 34, is that there are currently  
4 unallocated resources of \$8.9 million. Now these resources taken together with any  
5 further spending reductions or resource increases that you decide upon, between today  
6 and tomorrow, can now be applied to fund items that are on the reconciliation list which  
7 totals \$19.1 million as well as grants which you will be addressing later in this  
8 worksession.

9  
10 Council President Praisner,

11 Thank you. Thank you very much. I see no questions so that is a, the status report that  
12 we have, obviously these are moving targets as we keep working and hopefully it will,  
13 because we are required to have a balanced budget will resolve itself tomorrow. We  
14 now have before us the Consent Calendar. These are executive regulations and  
15 resolutions that relate to fees and in essence implement recommendations that the  
16 Committees have made relative to Water Quality, Solid Waste, the Systems  
17 Development Charge for WSSC, the annual fee for enforcement of special exceptions,  
18 et cetera. So, is there a motion? Councilmember Floreen seconded by Councilmember  
19 Leventhal. All in favor? Unanimous among those present. We now move to the property  
20 tax and Resolution to set the Property Tax Credit for Income Tax Offset. I would turn to  
21 the Chair of the Management and Fiscal Policy Committee, Councilmember  
22 Trachtenberg.

23  
24 Councilmember Trachtenberg,

25 Thank you, Madam President. We had a public hearing on May 1st to discuss the  
26 property tax credit and as Councilmembers recall this credit is one of three available  
27 mechanisms to reach out, to reach or approach the charter limit on real property tax  
28 revenues. The County Executive proposed a credit of \$613 per household and in  
29 approving spending affordability guidelines for the upcoming Operating Budget the  
30 Council assumed that this credit would be used to maintain the charter limit on property  
31 tax revenues and at the worksession on May 1st, the MFP Committee recommended  
32 approval of the resolution as introduced and did not recommend varying the credit  
33 amount.

34  
35 Council President Praisner,  
36 Councilmember Andrews.

37  
38 Councilmember Andrews,

39 Thank you. I want to strongly support the recommendation of the Management and  
40 Fiscal Policy Committee and the County Executive. This is a significant credit that will  
41 reduce what homeowners would otherwise pay next year in their property tax bills by  
42 \$613. What would happen otherwise if the Council didn't take this action is that folks  
43 almost everybody, almost every homeowner's bill would have gone up by 10% because  
44 of the sharp increases in assessments in the past few years that have averaged 55% or



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1 so over the three year cycle. So without Council action, homeowners would be seeing  
2 an increase of 10%. This actually because it's a credit will for 80% of homeowners in  
3 Montgomery County result in an actual reduction in what they will pay next year and not  
4 simply a \$613 difference. So, it's important, it's something that helps to address one of  
5 the taxes in our system that is less progressive than say the income tax and it also  
6 helps to keep the cost of housing down. So it has some effect on the affordability as  
7 well. So I strongly support the recommendation.

8  
9 Council President Praisner,

10 I just want to make one or two comments. One this is the first year that the County  
11 Executive, any County Executive has chosen to approach the property tax rates and  
12 revenue in this manner. It is I guess about the fourth time, fifth time we'd be using it,  
13 something like that. Fourth time we'd be using it. The County Council first used this  
14 method back in 1998 when the legislature gave us the authority to use this process and  
15 the amount in 1998 was \$50 credit. In '06 and '07 the credits were \$116 and \$221 per  
16 residential household. This year's amount as introduced by the County Executive and  
17 now supported by the Council is a significant change in dollar amounts and obviously  
18 \$613 credit per household means that that is significant tax relief and as my colleagues  
19 on the Chair of the Management and Fiscal Policy Committee and a former member of  
20 the Committee notes this is a strong way of making one of the more regressive taxes,  
21 property taxes more progressive as it deals with resident property owners,  
22 homeowners. So this will reduce County property tax as was stated by more than 80%  
23 for those individuals. So depending upon the tax and the value of the home, this is very  
24 dramatic.

25  
26 Councilmember Andrews,

27 You mean more than 80% of homeowners would see an actual reduction?

28  
29 Council President Praisner,

30 Right, right, yeah. I'm sorry. Did I say that? No. More than 80% would see a dramatic  
31 reduction. Right. So this is a very significant move in my view so all in favor of the  
32 Committee's recommendation? It is unanimous among those present. Thank you all,  
33 very much. We now move to the Legislative Session and with your indulgence, what I'm  
34 going to do since obviously so many people are here, Councilmember Berliner, did you  
35 want to be recorded in favor of the Property Tax Credit?

36  
37 Councilmember Berliner,

38 I did indeed, thank you.

39  
40 Council President Praisner,

41 Okay, maybe the clerk can could that? And the Consent Calendar?

42  
43 Councilmember Berliner,

44 Yes, ma'am.



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Council President Praisner,

Okay. What I'm going to do is have the bill introduction and then go to the community Grants since most folks are here for that. I'm sure there are folks for Expedited Bill 6-07 but rather than have the whole audience stay for 6-07, as interesting as it is, I did want to provide that opportunity. Madam Clerk, I believe there is no legislative journal, correct?

Council Clerk,  
Yes.

Council President Praisner,

Okay, so in the introduction of bills category area, Bill 8-07 Capital Improvements Program - Bicycle and Pedestrian Impacts sponsored by Councilmembers Andrews, Floreen, Leventhal, Praisner and I believe Trachtenberg is before us for introduction, the public hearing on this legislation is scheduled for June 19th at 1:30 p.m. There are several lights. I'm going to call on Councilmember Andrews who's a principal sponsor first.

Councilmember Andrews,

Thank you Madam President. I appreciate the support of my colleagues for this bill. What this bill will do is to help ensure that whenever a capital project that could have any effect on pedestrian or bicyclist access or safety is reviewed in the CIP in the Capital Improvements Program, that the impact of that project on pedestrian and bicyclist access and safety be considered and that there be an analysis prepared with the Capital Improvement Project so that the Council can see that the departments have looked at the project in that light and have made all reasonable efforts to address the access and safety of pedestrians and bicyclists in the project. It is something that is done really on an ad hoc or piecemeal basis now. This will institutionalize it and ensure that we are giving all due consideration to the impact on pedestrians and bicyclists of the capital projects that we consider and this would not just be new capital projects but ones that are modernized, when a school is modernized, when a new community center is built, when we have roads, these are all opportunities to address and improve pedestrian and bicyclist access and safety. And I look forward to the public hearing and appreciate my colleague's support, Councilmember Leventhal, Floreen, Trachtenberg and Praisner have co-sponsored and I know there's a lot of interest from other members as well and I look forward to moving this forward.

Council President Praisner,  
Councilmember Ervin?

Councilmember Ervin,  
Thank you Madam Chair. I'd like to add my name as a co-sponsor.



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1 Council President Praisner,  
2 Councilmember Leventhal.

3  
4 Councilmember Leventhal,  
5 Thank you Madam President and thank you Mr. Andrews. This is a really interesting  
6 proposal and I like it a lot and I hope that, number one, I guess if the Council President  
7 doesn't mind, do we have a sense of which Committee will take this up?

8  
9 Council President Praisner,  
10 I haven't thought about that yet I've been otherwise occupied.

11  
12 Councilmember Leventhal,  
13 Sure.

14  
15 Council President Praisner,  
16 But I will.

17  
18 Councilmember Leventhal,  
19 I could see it perhaps going--.

20  
21 Council President Praisner,  
22 It could go anywhere.

23  
24 Councilmember Leventhal,  
25 -- to T&E because it's a DPWT issue.

26  
27 Council President Praisner,  
28 Right.

29  
30 Councilmember Leventhal,  
31 --or I could see it going to PHED because it's a planning issue.

32  
33 Council President Praisner,  
34 Yeah, or it could go to MFP.

35  
36 Councilmember Leventhal,  
37 Sure, MFP because it's a government facility.

38  
39 Council President Praisner,  
40 Right.

41  
42 Councilmember Andrews,  
43 Public Safety.



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1 Councilmember Leventhal,  
2 Even Public Safety.

3  
4 Council President Praisner,  
5 Or Health and Human Services.

6  
7 Councilmember Leventhal,  
8 Health and Human Service issue, absolutely.

9  
10 Councilmember Andrews,  
11 If we have enough co-sponsors we could just do it in front of the full Council and not  
12 worry about it.

13  
14 Council President Praisner,  
15 Well, we first have to hold the Public Hearing, there's a technicality.

16  
17 Councilmember Leventhal,  
18 I really like this idea as I've thought about it I want to just make two additional  
19 suggestions, which, whether they get rolled up into this bill or whether we address them  
20 down the road, with respect to government projects the bicycle and pedestrian access is  
21 very important, the transit effect is also extremely important. We have a lot of services  
22 provided to needy people now that you really have to have a car to get to and there's  
23 kind of a disconnect there, like the car drive the major Health and Human Services  
24 facility there, the Ride On bus does serve it but it's suboptimal, to use one of my favorite  
25 words, and you know, that's not unique. There are a lot of public facilities, Avery Road  
26 Treatment Center, I've been working over years with Ride On to try and get bus service  
27 to Avery Road Treatment Center and again it's, we all know about ride on bus it doesn't  
28 serve as frequently as we'd like and it's expensive. So, there is an issue with respect to  
29 transit access to public facilities that if we don't get to it in this bill we might want to look  
30 at. The second issue obviously as we're talking here about public sector facilities and  
31 we also do want to think about private sector development and land use generally and  
32 that's a broad topic and it may be more than we'll ever get to in a single bill but I do just  
33 want to share with my colleagues that the COG Human Services Policy Committee  
34 which I Chair, recently presented to the COG Board and it was approved by the COG  
35 Board a recommendation with respect to obesity and fitness that local governments  
36 consider pedestrian bicycle access in land use policy generally that we need to be  
37 thinking about are we encouraging health and fitness in the way that we plan our  
38 community so this speaks very much to that. Again, you can't solve every problem or  
39 save the world with a single Bill but those are two other points that I do hope we can  
40 take up in the course of this discussion. Transit access to public facilities and generally  
41 how do these issues of walkability, bicycling, and transit, are we incorporating them in  
42 our approach to land use for private sector development.

43  
44 Council President Praisner,



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1 Councilmember Elrich?

2  
3 Councilmember Elrich,  
4 So George, I was going to introduce save the world on a single bill but --.

5  
6 Councilmember Leventhal,  
7 I'm waiting for that bill. I want to see it before I decide whether to co-sponsor it.

8  
9 Councilmember Elrich,  
10 I figured you'd co-sponsor it on general principles. If you can add me as a co-sponsor  
11 on this legislation, we've talked about it and I think it's the right way to go, thank you.

12  
13 Council President Praisner,  
14 Councilmember Floreen.

15  
16 Councilmember Floreen,  
17 Thanks. I'm glad Phil advanced this proposal and I'm glad to be a co-sponsor of it. I just  
18 wanted to comment that this really does dovetail completely with what we're doing in the  
19 road code and frankly any of you who have taken an advance peek of what the staff is  
20 recommending to the Park and Planning Commission and growth policy and actually  
21 what we did several years ago was to identify a pedestrian and bicycle related  
22 improvements as an option for addressing some of our congestion issues in the growth  
23 policy already. So this will sort of bring full circle I think to the analysis of, and the  
24 prioritization of our roadways as places for people and bicyclists as well as for mobility.  
25 So, that's a conversation we've been having in Committee and you all will be getting  
26 that full recommendation maybe next month and this fits very nicely with all of that. So  
27 well done, Phil.

28  
29 Council President Praisner,  
30 Councilmember Berliner.

31  
32 Councilmember Berliner,  
33 I just didn't want to be left out I would like to be added as a co-sponsor and to say to my  
34 colleague Councilmember Leventhal that with respect to your desire to have Park and  
35 Planning if you will, take these matters up, again remember that one of the principles  
36 that we have embraced with respect to our global warming initiative is in fact to ensure  
37 that the Park and Planning does take into account in all of its major actions things like  
38 pedestrian and bicycle so my hope is that we will move forward on that parallel with this  
39 action.

40  
41 Council President Praisner,  
42 Councilmember Knapp.

43  
44 Councilmember Knapp,





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1 I haven't signed on because I don't like bicyclists or pedestrians.

2  
3 Councilmember Berliner,  
4 (laughter) I suspected as much.

5  
6 Unidentified  
7 There's room.

8  
9 Unidentified  
10 There's still time.

11  
12 Councilmember Knapp,  
13 By all means please add my name so the list of co-sponsors.

14  
15 Unidentified  
16 Thank you.

17  
18 Councilmember Knapp,  
19 And accept my kudos in what is clearly a very well thought out bill that everyone likes  
20 and supports.

21  
22 Council President Praisner,  
23 Councilmember Andrews.

24  
25 Councilmember Andrews,  
26 Off to a good start.

27  
28 Council President Praisner,  
29 Off to a good start. Off to a very good start in that legislation at least. Let me make one  
30 comment--.

31  
32 Councilmember Andrews,  
33 But I do want to say, I do look forward to hearing from the public at the public hearing.  
34 That is a process that may result in some improvements to the bill.

35  
36 Councilmember Knapp,  
37 Let's hope they don't disagree with us.

38  
39 Council President Praisner,  
40 Councilmember Floreen.

41  
42 Councilmember Floreen,  
43 Don't forget, Friday is Bike to Work Day.



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1 Council President Praisner,  
2 That's right.

3  
4 Councilmember Floreen,  
5 We all expect, we expect to see you in spandex in Bethesda and in various places in  
6 Rockville. Some of us will be there in appalling attire.

7  
8 Council President Praisner,  
9 Councilmember Floreen is our lead bicyclist as far as that is concerned. The only  
10 comments I would make, I think these are important initiatives for us to comment on as  
11 to what needs to be done when we construct government buildings to make them  
12 pedestrian and bicycle friendly. But from a standpoint beyond sidewalks, I think  
13 Councilmember Leventhal's questions about transit, some of the concerns that have  
14 come up is bus routes can be moved especially if we're talking about bus routes. So,  
15 we're going to talk about this. When the HHS Department moved to Piccard, I was on  
16 the HHS Committee at the time and the number one issue and concern that the  
17 Committee raised was just that issue of access and concern about how clients and folks  
18 are going to get there. So I think it's something we have to continue to look at whether  
19 there's legislation or not. But maybe we can get the route systems coordinated with the  
20 facilities from when they begin. Okay, obviously that bill has nine sponsors and the  
21 public hearing is set for June 19th at 1:30 p.m. I'd like to now move to the FY08 Capital  
22 and Operating Budget issue related to community grants and invite Peggy Fitzgerald-  
23 Bare to join us at the table. And Peggy, the important thing for us to walk through as we  
24 do this is that there are multiple grants associated with this discussion so if you could  
25 help us to understand that, that would be helpful and also the process by which they got  
26 there.

27  
28 Peggy Fitzgerald-Bare,  
29 Yes, before we begin our discussion of community grants, I'd first of all like to thank the  
30 members of the Grants Advisory Group, some of whom are sitting behind me, including  
31 the Co-Chair, one of the Co-Chairs, Kim Jones, this was an extraordinary effort by 33  
32 incredibly committed residents. I did a tally collectively, during the month of March, they  
33 spent 100 hours meeting with grant applicants of which there were 208. I am sure they  
34 spent at least an equal amount of time individually reading applications and reviewing  
35 them. And I just wanted to take this occasion to thank them and to note especially the  
36 incredible invaluable role they played in developing the recommendations that I'm  
37 bringing before you. Secondly, if you'll indulge me, I'd like to thank Kristin Kraus my  
38 assistant who is a star student of professor Joan Planell. Joan remains with us in many  
39 fashions including Kristin. She was an incredible assistant in this grants review process  
40 and I'd like to thank her. With that, I think we have basically three decisions to make  
41 today.

42  
43 Council President Praisner,



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1 And I want to make clear so folks understand, these decisions are not the awarding of  
2 grants. These decisions are placing grants that come from myriads of requests on the  
3 reconciliation list for further consideration.

4  
5 Peggy Fitzgerald-Bare,

6 Right. That is correct. Essentially there are three sets of actions that need to be taken,  
7 one related to the County Executive's recommended Community Grants, secondly the  
8 adult ESOL grants which were reviewed by the Montgomery Coalition for Adult Literacy  
9 and recommended by the Education Committee to be put on the reconciliation list and  
10 finally the Council President's recommended grants to put on the reconciliation list.  
11 Before we start that, I'd like concurrence from the Council if possible on a suggestion  
12 that I'd like to make in terms of process which is that, whichever grantees are awarded  
13 funds at the end of the Council's budget process, I'd like to recommend that the  
14 applicants who received funding either as a result of the County Executive's  
15 recommended community grants or the Council grants, be required to provide a one  
16 page report twice a year next February and also at the end of the fiscal year on the  
17 results achieved with that funding and if the Council concurs with that I'll work with staff  
18 to get that put in our appropriation resolution.

19  
20 Council President Praisner,

21 I don't see any objections but I want to make clear one thing, again, I continue to have a  
22 problem with the use of the word grants because they are contracts and they will be  
23 managed by some department or agency of County government which is responsible  
24 for that grant. And it requires a contract signed with certain outcomes and reports  
25 associated with that. So is this in addition to what might be required for contract  
26 monitoring? Because that and, this comes to the Council rather than to the contract  
27 monitor?

28  
29  
30 What we had envisioned was that one of the elements of the contract that will be signed  
31 between the County and applicant would be in addition to all of other requirements,  
32 there would be an additional requirement for the applicant to submit these two one-page  
33 reports, they would be submitted to their contract monitor who would then send it to the  
34 Office of Management and Budget who would then transmit those to the Council.

35  
36 Council President Praisner,

37 Okay, alright. I don't see any lights so that is Council agreement to include that on the  
38 budget reconciliation, the budget resolution.

39  
40 Peggy Fitzgerald-Bare,

41 Okay. Okay. In terms of my packet I am going to go quickly to the action steps given  
42 time. But obviously if there are questions. The first part of my packet just has some  
43 summary information in terms of the numbers of grants and the numbers reviewed and  
44 some comparison with prior years et cetera. The next part of my packet on page 3 are



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1 the County Executive recommended community grants, these are the discretionary  
2 grants not the community service grants, not the community empowerment grants, not  
3 the CDBG grants, all of which have been already acted upon by the Council. The  
4 universe of grants that we are looking at right now are a total of 51 discretionary  
5 Community Grants recommended by the Executive for total of \$4.2 million. In my packet  
6 on Circle 12 through 14 is a listing of those grants. I've highlighted on page 3 of my  
7 packet just some puts and takes that the Council has already acted on in terms of  
8 moving some grants from the community grants pot to the department and in another  
9 instance moving from a department to a community grant. The actual action at this  
10 point, in prior years Council has approved the County Executive's recommended  
11 Community Grants in a block basically on a consent basis. So unless the Council wants  
12 to act differently I would assume that these will be approved.

13  
14 Council President Praisner,  
15 Okay.

16  
17 Peggy Fitzgerald-Bare,  
18 Okay.

19  
20 Council President Praisner,  
21 I'm sorry --.

22  
23 Peggy Fitzgerald-Bare,  
24 I'm sorry. I'm sorry. I was saying that with respect to the County Executive Community  
25 Grants, in prior years the, they are contained on Circles 12 and 14 and in prior years the  
26 Council has approved them as a block.

27  
28 Council President Praisner,  
29 And absent any comments those would go on the reconciliation list with the  
30 modifications that are incorporated within your language as to the departments that  
31 would be responsible for them and where, for example the one clinic service going into  
32 the Montgomery Cares Program.

33  
34 Peggy Fitzgerald-Bare,  
35 These actually are in the --.

36  
37 Council President Praisner,  
38 In the Executive's --.

39  
40 Peggy Fitzgerald-Bare,  
41 Executive's.

42  
43 Council President Praisner,  
44 Right, so they automatically go into the budget.



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1  
2 Peggy Fitzgerald-Bare,  
3 Yes.

4  
5 Council President Praisner,  
6 Rather than on the reconciliation list.

7  
8 Peggy Fitzgerald-Bare,  
9 Yes. That's correct. Yes.

10  
11 Council President Praisner,  
12 Okay.

13  
14 Peggy Fitzgerald-Bare,  
15 Okay?

16  
17 Council President Praisner,  
18 Alright.

19  
20 Peggy Fitzgerald-Bare,  
21 Part 3 are the adult ESOL grants of which there are eight for a total of, this is on Page 4  
22 of my packet. There were eight requests related to adult ESOL services totaling  
23 \$294,058. These were reviewed as I noted by the Montgomery Coalition for Adult  
24 English Literacy. The eight grants are listed on Circle, I'm sorry, on Page 4. The  
25 Education Committee reviewed those and recommended that they be put on the  
26 reconciliation list for funding, all eight of them.

27  
28 Council President Praisner,  
29 I want to go back and make sure we're clear in part 2, the County Executive's  
30 recommendation. When I said they go into the budget, I am not speaking about the  
31 \$748,850 for the George B. Thomas Learning Academy which is on the reconciliation  
32 list?

33  
34 Peggy Fitzgerald-Bare,  
35 That's correct. That's correct.

36  
37 Council President Praisner,  
38 The others where they are in the budget remain in the budget, correct?

39  
40 Peggy Fitzgerald-Bare,  
41 Yes, Yes.

42  
43 Council President Praisner,  
44 Okay.



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1  
2 Peggy Fitzgerald-Bare,  
3 Yes.

4  
5 Council President Praisner,  
6 Alright, I think absent any questions, the adult ESOL grants go on the reconciliation list.  
7 That's what the Committee recommended and that's what the Council I think accepted.  
8 There is, I think two things I wanted to comment on and I see Councilmember  
9 Leventhal's light is on as well. First one is, we had some questions about McHale  
10 relative to the Caribbean Help Center, before we act tomorrow we'll need to know the  
11 status of that issue. So the concerns, if there is, if they have not been addressed at yet,  
12 we just need to know that and if you could get that to me verbally by tomorrow that  
13 would be helpful. Second is the whole question I think and I don't know where  
14 Councilmembers are but at some point I think we have to look at the issue of whether  
15 the Council deals at all with ESOL services or whether that should not be handled in a  
16 lump sum amount to McHale and let McHale, just as we've done with the Arts and  
17 Humanities, make those decisions and what we would decide is the dollar amount. I  
18 would prefer to do that. If we do that in this next budget year, we would be telling  
19 anyone who came to us, if they are doing ESOL we are not accepting those grants, they  
20 have to deal with McHale. That would be my objective and if Councilmembers agree,  
21 we'd need to make that modification known early enough in the process. Mr. Leventhal.

22  
23 Councilmember Leventhal,  
24 Well, that's very consistent with the comment I wanted to make Madam President. I  
25 strongly support putting these items on the reconciliation list. I want to thank you and  
26 congratulate you and also the Council Vice-President who's been very, very much  
27 involved in making sure that we're able to accommodate some number of these. But  
28 what we've done over the last couple of years is we've created a need to add resources  
29 above the County Executive's budget and that's not sustainable. So, my plea and I see  
30 the Chief Administrative Officer is here, is knowing that ESOL is a high priority for the  
31 Council and clearly for County government, incidentally when we get to the issue of the  
32 Gilchrist Center which the Council President and I had requested information about use  
33 of the Gilchrist Center what gave rise to that question was is it best situated in the  
34 Recreation Department. We had, there's an excellent power point presentation that  
35 Director Albornoz has put together with respect to, of all the newcomers to our  
36 community from other countries who are utilizing resources at the Gilchrist Center, what  
37 services are they accessing? I was interested in knowing the answer to that question  
38 because I suspected that they were more in the nature of Health and Human Services  
39 type requests than Recreation type requests and I was wrong. They were not  
40 Recreation requests. They were not Health and Human Services requests. By far, more  
41 than anything else, those new immigrants who were coming to the Immigrant Outreach  
42 Center of Montgomery County were asking for ESOL. What they want is they want to  
43 learn English. So knowing that ESOL is such a high priority, the hope is we won't next  
44 year be in the situation where we all support ESOL, we all support this model, we all



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1 appreciate McHale having assembled itself and making wise funding decisions and  
2 assessing the applications and yet we still, the Council has to add it on above the  
3 County Executive's recommendations and that puts all of us in a difficult situation. So  
4 my hope would be as with some of these other grants that we're discussing that for next  
5 year we will find ESOL and that we will institutionalize McHale as the administrator of  
6 those funds in the base.

7  
8 Council President Praisner,  
9 Council Vice-President Knapp.

10  
11 Councilmember Knapp,  
12 Thank you Madam President and I very much am in agreement with your remarks. We  
13 actually raised that in the Committee's discussion of this with McHale. They are in a  
14 transitional period and they weren't in a position during the course of deliberations a  
15 couple of weeks ago to say whether they could or they couldn't but it was a  
16 conversation that came up and we're going to continue to follow up with them and they  
17 will over the course of the summer meet with their board and see if it fits within their  
18 mission and charter and we'll all get back together and come up with a strategy with  
19 how to address that and approach it.

20  
21 Council President Praisner,  
22 And I think we need to work with the County Executive as well because there are other  
23 categories of grants where it appears ESOL services are being proposed and if we can  
24 kind of pool them all together I think it would be the most appropriate way to work with  
25 those. Councilmember Elrich.

26  
27 Councilmember Elrich,  
28 I guess I would extend that approach to the grants in general. There are a lot of things  
29 in here which appear to be extensions of what the government is trying to accomplish  
30 and if we're truly trying to accomplish these things they shouldn't be left to the grants  
31 process. The Executive ought to decide how much money he wants to spend, he or she  
32 depending on the year, wants to spend to accomplish, you know, a said agenda that  
33 ought to be in their budget and they ought to pick either, either decide what's going to  
34 be delivered by the government or what's going to be delivered by the nonprofit sector  
35 or the for profit sector for that matter to complete the mission of government. And this  
36 process of 208 people coming to us for what's going to amount to a million or so dollars,  
37 many of which are, you know, worthy projects, probably all of which are worthy projects,  
38 not all of which we're going to be able to fund and aren't directly tied, you know in a  
39 sense, to what the mission of HHS or the other agencies are. So I really look forward to  
40 this being the last year that we do this grants process. I don't want this thing running this  
41 way again. I don't think it serves the grants, the recipients well and I don't think it lets us  
42 carry out the mission of government the way we ought to be carrying out the mission of  
43 government.



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1 Council President Praisner,  
2 Councilmember Trachtenberg.

3  
4 Councilmember Trachtenberg,  
5 I actually want to dovetail on what Councilmember Elrich stated. You know, as soon as  
6 we all got here in December, we had to deal with certain aspects of the process for this  
7 year around the grants and the many applications that we receive and I'm sure over the  
8 months ahead there will be more conversation, certainly here within the Council, but I'm  
9 sure we'll be having regular dialogue with the Executive as well. And it would seem to  
10 me that doing this in strategic fashion and allowing ample conversation to happen so  
11 that we can make the optimal decisions around the grants that we are able to award.  
12 And again, I think this is going to be critical next year and the year after as we face  
13 some fiscal challenges here in the County. It's even going to be more critical to make  
14 sure that we're employing a strategy when we're doing this so I speak in support of what  
15 Marc has suggested and I would also state just very publicly that I believe this is an  
16 issue that the Council will address over the course of the next few months.

17  
18 Council President Praisner,  
19 Councilmember Berliner.

20  
21 Councilmember Berliner,  
22 I guess what I wanted to say was that, thank you Peggy. Because regardless of what  
23 we do next year, I just feel so much better about what we are asked to do this year as a  
24 result of your work and of the work of the people that you worked with. So I feel like you  
25 have created a context in which we can go forward with integrity, having had this  
26 reviewed in a way that I don't think has been questioned at least not as far as I'm  
27 concerned, by anybody suggesting that it was a flawed process that people didn't know  
28 what they are doing, all the fears that we went into this with, quite frankly. And I think  
29 you demonstrated that it can be done. As to whether or not we can do it better, I am  
30 certainly, as one who thought we should do it better, I am open to continuing that  
31 conversation but I think we really owe you a great debt of gratitude to have done this  
32 great work. So thank you very much.

33  
34 Council President Praisner,  
35 Councilmember Andrews.

36  
37 Councilmember Andrews,  
38 Thank you. I too want to thank you for your hard work and also especially thank the  
39 Grants Advisory Group for the amount of time they put in, all volunteers, to review the  
40 200 or so grant requests. It was a major undertaking and we are lucky to have so many  
41 dedicated people in Montgomery County, skillful people who brought their talents to  
42 bear on this. Since I first came on the Council in 1998, I've been an advocate for  
43 changing the Council's role in this process. My view is that the Legislative Branch  
44 should not be involved in selecting the individual recipients of grants. That's an





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1 Executive Branch function. What we should do is appropriate the funds, I think we  
2 should decide at the beginning of the budget year how much we feel we can afford for  
3 these grants or these contracts at the beginning of the cycle, communicate that to the  
4 Executive, have the requests go through the Executive Branch as many do. I think the  
5 system works pretty well, the ones that are competitively reviewed then that are sent  
6 over in the tier categories that are ranked and scored by the independent panels. That's  
7 how I think this should be handled as well and then the Council has the ultimate  
8 authority in approving them. But I believe that our role is to focus on appropriation, set  
9 guidelines for what type of grants we think should be the focus of attention, whether it's  
10 after school programs or crime prevention programs or homeless programs, it may vary  
11 somewhat from year to year. I think we should get some direction there, I mean, of  
12 course maintain general oversight, but I think the Executive Branch through the  
13 independent panel should be doing the review, making the specific recommendations  
14 and the presumption would be that the Council would abide by those subject to the  
15 available funding that the Council has identified.

16  
17 Council President Praisner,  
18 Councilmember Elrich.

19  
20 Councilmember Elrich,  
21 I want to -- I really appreciate the work that you did and that the Committee did. It's not a  
22 criticism of the work or the Committee. My concern is more an issue of process. And,  
23 you know, three issues, you know, I think four issues, homelessness, healthcare,  
24 mental and, you know, physical health care, recreation programs, you know, for kids,  
25 you know, what I think are core service delivery areas of the Council. And it seems --,  
26 what I think is that the Executive through the departments ought to set their objectives.  
27 Who is the population we're serving and what services do we need to deliver to serve  
28 them? And then what funding is necessary to do that? And then pick the provider, either  
29 internal or external, to provide that. I actually, I guess when I think of grants, I think of,  
30 you know, fun stuff like arts, you know, and we're going to give a grant for a music  
31 festival, we're going to, you know, the extras, the things that, you know, aren't your,  
32 aren't the core function of the County system. We have got a bunch of stuff here that  
33 ought to be the core function of government. I mean, you've made the ending of  
34 homelessness, you know, a high, high priority. That shouldn't wind up on a grant list. If  
35 you want to end it, then it ought to be this is the grant, this is how we're going to do it  
36 and this is how we're going to fund doing it and it shouldn't come over to the Council to  
37 pick, am I going to pick this homeless program over some other program, you know,  
38 we've got a million dollars to spend, how much do I want to spend on ending  
39 homelessness. So I would rather see this done in a clearer, more directed, what's the  
40 role of government, what are we trying to accomplish approach rather than granting at  
41 all. I don't mind giving grants for an art display someplace but I think when you get into  
42 giving grants for delivering core services, that's the wrong way to deliver core services.

43  
44 Council President Praisner,



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1 Councilmember Trachtenberg.

2  
3 Councilmember Trachtenberg,

4 Just briefly, you know, I think an important part of what I would envision and I know  
5 colleagues have expressed agreement with this, is that the dialogue around this really is  
6 very much an integrative dialogue and that means that there's communication early and  
7 often with our partners around the delivery of these core services and I want to clarify  
8 that, that I think that's definitely got to be part of whatever is accomplished in the future  
9 and I would just ditto the compliments that were made by colleagues and make it clear  
10 that I certainly appreciate the work of the Committee which I know was quite  
11 extraordinary and also Peggy's effort as well which was also extraordinary.

12  
13 Council President Praisner,  
14 Councilmember Ervin.

15  
16 Councilmember Ervin,

17 I remember back in January I put a memo together and it went out to all the  
18 Councilmembers about my concern about the process. But I think that we can't forget  
19 that this is a changing community and we have emerging communities and we have  
20 emerging nonprofits. Again, this is not a criticism but there, I have a very big concern  
21 about some of the communities that are emerging in Montgomery County that aren't,  
22 that didn't get ranked very highly on the list. Nobody, that's not a criticism but what it is  
23 saying is, as we come up on these conversations again, we really need to work very  
24 closely again with the Executive Branch because my concern is we're going to have a  
25 lot of communities in this County that are not going to be served well because these  
26 emerging nonprofits are not going to be funded in this process. And so again, my  
27 concern is this is very complicated, there's not enough money to go around, you know,  
28 we have all these competing needs, but at the end of the day, who is it that we're trying  
29 to serve? And how well have we done in making sure they're being served? So I just  
30 wanted to make those comments because I know that in the ED Committee we did a lot  
31 of hard work and I think some soul searching as we looked at some of the grants that  
32 came before us. So at the end of the day, all we can do is work as hard as we can in the  
33 nonprofit sector to support the work of emerging nonprofits who are working in these  
34 communities that a lot of people don't even really know about yet. So I just wanted to  
35 make those comments and I appreciate Peggy, I know you have worked so hard and so  
36 has the Committee and I know many people that are sitting on that Committee put  
37 hundreds of hours into this. And I really appreciate the work but we have a long, long  
38 way to go.

39  
40 Council President Praisner,

41 I'd like to make some comments before the last comments are made by Councilmember  
42 Leventhal as Chair, one of the Chairs of the Committees that has been working on this  
43 issue. When I first came here, grants were a very small if any part of the budget  
44 process. But as we've grown a nonprofit community and also as we've identified more



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1 and more functions for which a, there is a role that is a non-government partner with the  
2 government, we've had more and more requests before us. There is, this is a moving  
3 target, both in dollars each year and in process. I think each year, actually it's an  
4 improvement over where we have been before, in my view, in trying to organize the  
5 requests and in trying to review the requests. I want to add my sincere thanks to Peggy,  
6 but also to the Grant Advisory Committee. It's a very thankless job that is done by many  
7 people in the foundation world anonymously. And, you know, we don't know all the  
8 people who review for the Annie Casey Foundation or some of the more well known,  
9 who actually does the review and how you get the award. And the application processes  
10 that are often associated with grants are much more voluminous than the County's. And  
11 the CDBG process that folks go through is also a question of how much money is  
12 available. What we have learned is that as Councilmember Ervin said, there's a growing  
13 community of interest of individuals who see needs who want to fill those needs. That is  
14 very admirable because the growth of nonprofits means that individuals want to be  
15 partners with government and also see a problem and want to solve it. And creating  
16 nonprofits is not an easy task either, having worked on that myself, there's a lot of work.  
17 The IRS doesn't just make you a nonprofit by virtue of a magic wand nor does the  
18 government give money with a magic wand, nor does a non, nor does a foundation. So  
19 it is a, the life of a nonprofit is never easy. And what we're trying to do is structure the  
20 Montgomery County role in that in a way that gives you some certainty of approach. It  
21 cannot give you certainty of funding. No grant money is ever certainty of funding beyond  
22 the level of the years of the grant. And as I said you don't automatically get a check from  
23 us once the Council takes an action. This is a contract. And there are many nonprofits  
24 who already have contracts with the County that are inside the department budgets that  
25 we are anxious to look at as well. The Committees will continue to look at that issue. I  
26 personally would like to see us get somewhere near what some of my colleagues have  
27 said of determining say in the November, December time period what is the dollar  
28 amount that's going to be associated with grants and using the Housing Initiative Fund  
29 concept to determine in what categories we are going to award them. Maybe not with  
30 subsets of dollars amount and then have the Executive Branch and Council work on  
31 how those dollars might be allocated with the competitive process and contractual  
32 relationship. But that's not been worked through and I don't know that my colleagues  
33 even would support that. But we have more work to do. But I can tell you, having sat  
34 here for 16 years, that I think we've come a long way in trying to improve this process. Is  
35 it perfect? No. Will it ever be perfect? No. Because we're dealing with multiple  
36 organizations and we're dealing with multiple dollar amounts and we're dealing with  
37 different calendars. But we're certainly, I think, from the nine Councilmember that I've  
38 heard, extremely committed to working through this. And I know there are going to be  
39 differences of opinion over the comments made by a reviewer. There are differences of  
40 opinion over what a foundation may say about a nonprofit. I'm sure there are differences  
41 of opinion as we've gone through the CDBG process, but somehow that is accepted  
42 more. I think the Committee did an incredible job of identifying and commenting and  
43 reviewing and then the Co-Chairs of sitting with Peggy Fitzgerald-Bare and helping us  
44 to triage the applications and I think that's extremely helpful. Councilmember Leventhal.



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Councilmember Leventhal,

Madam President, thank you for many things. Your approach to this as always is, puts the public interest first and I know that you've worked very, very hard over the years and you and I have worked very closely together over the years to put together principles by which we award funds to these worthy organizations in a way that is in the public interest and that we can all feel proud of. On June 28th, Thursday, June 28th, at 2 p.m., the Health and Human Services Committee and the Management and Fiscal Policy Committee are scheduled to review how our grants process worked for the fiscal '08 budget and to begin talking about how we may want to proceed for the fiscal '09 budget. Thursday, June 28, at 2 p.m. As I look around this room I see people, community leaders who all of us know well and have worked very, very closely with over the years and there's a lot of spirit and a lot of caring. There's a lot of people in this room with big hearts. A lot of people in this room who are extraordinarily successful managers, entrepreneurs, in the nonprofit world who make tremendous things happen with very limited resources. And I know that all nine of my colleagues deeply appreciate those who devote their careers to serving the needy at relatively little compensation with very limited resources trying to do God's work on earth. I and I think most of my colleagues ran for public office because we feel strongly that the mission of government should be to help those who need the most help. And that's why I think this issue tends to attract so much heat and so much interest because when we talk about, I don't want to call out the names of anyone in the room but it's hard to avoid it, but when we talk about serving those who are served by all of you in the audience we understand that this is right where government plays its most important part. To try and level out the unfairness and the cruelty in the world. To try and provide opportunities and hope and caring and shelter and food and medical care and comfort and all the things that all of these worthy organizations do. There isn't a perfect way to do that and there will never be enough resources ever. And so every single year there are going to be disappointed people, there are going to be disappointed people this year, there were disappointed people last year when we had more money to put into grants and there will be disappointed people forever because we will never have the resources and therefore it will never be a process that everyone is happy with. Councilmembers will always get negative feedback because someone will always be left out unfortunately. I'm so appreciative of the thoughtful comments of my colleagues, many right on point comments have been made here this morning. There's not a single colleague who's made a comment here that I take issue with. What I hope my good friends who are providing these vital services are hearing is, you know, there's nine new sheriffs in town plus a new County Executive, things are changing. The County Council is going to take a different view on this basket of issues. And so on June 28th and in the dates that follow as we map out how we want to proceed for the coming year, it's critically important that those who are doing this work pay attention and participate and be part of the dialogue. You've heard from Councilmembers that they want to do this a different way. There's a strong sentiment that we should put this on a different footing, that we ought to look at merit, that we ought to look at alignment with agency mission. I don't know that all nine of us



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1 are in the same place. I don't know that all nine of us even know what we think yet. But  
2 the situation is in flux, the process by which we make these decisions is in flux and it  
3 isn't because of any one of us. Ms. Praisner and I took on the task of trying to reform  
4 this process and it's been nothing but misery. (laughter ) Working with Marilyn is a  
5 pleasure. Working with Marilyn is always a pleasure, always, nothing but a pleasure.  
6 But taking this on has been misery because people get disappointed, because  
7 colleagues feel that maybe there's a different way to do it. I do need to express again  
8 you've got nine Councilmembers who all have strong views about how this should work.  
9 It is not being managed, it is not the responsibility of any one or two or three of us. And  
10 then finally I just want to join the chorus of praise for Peggy Fitzgerald-Bare. I can't  
11 imagine anyone better suited to have handled this task for us this year. She brings such  
12 an extraordinary background and also such compassion. I know Peggy cares a great  
13 deal about how to allocate limited resources to areas of tremendous need. And she's  
14 made some recommendations to us. It highlights how limited the resources are. But  
15 understand what a tough task she faced in staffing us on this topic. And, you know, be  
16 gentle on her, I mean, she's had to make some very tough calls. So we thank her, we  
17 thank the Grants Advisory Group, all of the time that was invested, the excellent effort. I  
18 can't imagine a more useful and helpful document for all of us in the business of  
19 meeting peoples' needs than the Grants Advisory Group document. I mean, here we  
20 have, in effect, a catalog of all of the extraordinary efforts, the extraordinary humane  
21 and charitable and compassionate efforts that dedicated and intelligent and creative  
22 people are making in this generous community. What a great catalog of real caring and  
23 real charity and real sympathy and real generosity. It's just a terrific document that I  
24 think is useful in many ways. I hope some graduate student someday writes a thesis on  
25 all of the efforts being made in this generous and affluent community which has great,  
26 great needs that need to be met.

27  
28 Peggy Fitzgerald-Bare,  
29 Kristin is going to grad school in the fall. There you go.

30  
31 Council President Praisner,  
32 I think she graduated already. Okay. Let's move on because I know folks are anxious.  
33 We have two pieces associated with the discussion that we will now go to. So Peggy,  
34 I'm going to turn it over to you again.

35  
36 Peggy Fitzgerald-Bare,  
37 Sure. Going to Page 5 of my memo, the Council President's recommendation, which will  
38 be, which she will distribute momentarily.

39  
40 Council President Praisner,  
41 You have them, right?

42  
43 Peggy Fitzgerald-Bare,



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1 I do. I just wanted to bring your attention to, this may be my last chance, the staff most  
2 highly recommended grants are on the last two pages of your Council packet. Circles 29  
3 and 30. There are 26 recommended grants totaling approximately \$1.1 million. Just very  
4 briefly in terms of how I developed this list, as a staff member I made the decision that  
5 because of the Council's budget situation, the total dollar amount that, of the list that I  
6 presented to you should be in the range of a million dollars. So that's my number. I'm  
7 the one who recommended that or decided that I should present you a list that was in  
8 that dollar range. Secondly, you'll note that the grants that I have recommended are in  
9 several different categories. Those categories and program areas are the ones that the  
10 Council identified at the outset of this process as to the way that you wished the grants  
11 to be sorted. And so you will again see grants in a number of different areas, education,  
12 services to seniors, people with disabilities, et cetera. There's approximately 10 different  
13 categories of grants that I used. And finally, I did rely on advice from the Grants  
14 Advisory Group as to the, I asked each of the teams who reviewed the grants, they  
15 reviewed grants in similar subject areas and I asked each of the teams to identify for me  
16 a very limited number of grants that they felt were particularly strong. I need to  
17 emphasize on their behalf how difficult a task that was and how they emphasized to me  
18 over and over again the very, very large number of very strong proposals that they  
19 reviewed. So be gentle on them as well.

20  
21 Council President Praisner,

22 I want to reinforce that. That the, there are many, many, many, many applications  
23 worthy of funding. And that in the process of your consideration of a limited dollar  
24 amount, working within that, that you used the benefit of the input from our advisory  
25 group, the panels, to help you with this limited dollar of choosing some from the many.

26  
27 Peggy Fitzgerald-Bare,  
28 Yes.

29  
30 Council President Praisner,

31 Because it is in that context as well that in my conversations with my colleagues, we  
32 again looked at a very, very limited amount of money to also add to the list that you are  
33 presenting or have presented to us. The Council President accepts the recommendation  
34 that is brought to us by you and in essence the Council accepts that by placing it on the  
35 reconciliation list, the 1.1 million. To that, we as a Council, again my colleagues  
36 providing input to me, are adding approximately \$450,000 to that list. So there is less  
37 than \$2 million, much less than \$2 million which will go on the reconciliation list for  
38 further consideration. And I want to stress that in this fiscally difficult time for us going  
39 forward, that the Council felt or I felt and my colleagues concurred that there were  
40 limited dollars this year for this process. But I also want to stress that it was the input  
41 from the grants review process, the documents that were presented to us and a desire  
42 by the Council and myself to look at a variety of categories of grants to try to be  
43 responsive that that list was developed. Councilmember Leventhal.



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1 Councilmember Leventhal,

2 I do think it's critically important at this point to remind those who are paying attention  
3 here that as we note on Page 3, the County Executive also recommended \$4 and a  
4 quarter million in an NDA account plus an additional one and a quarter million for capital  
5 items and that ongoing contractual agreements with nonprofit in the Health and Human  
6 Services Committee alone account for more than \$70 million I know that there are also  
7 ongoing contractual agreements in the Rec Department and with many other County  
8 departments. So we spend quite a bit of time and a lot of anxiety about the million or so  
9 that we're able to devote. But we have vastly more than that in County support for these  
10 worthy organizations and for these important causes.

11  
12 Council President Praisner,

13 Thank you. That is extremely important as well. This is not the only category of funding  
14 that involves nonprofit community as was indicated. Okay Peggy.

15  
16 Peggy Fitzgerald-Bare,

17 Council President, would you like me to distribute the additional grants that you are  
18 recommending and we have ones to hand out?

19  
20 Council President Praisner,

21 Why don't you do that and distribute this to the --. Yes, staff was doing that and these  
22 are for the Council. While Peggy is doing that I want to make one note. In our  
23 antiquated budget process and budget system I should say, the computers in OMB  
24 require us to round to the zero. That may look like some folks are getting more than  
25 they asked for. That is not the case. It is very small dollar amounts. But they are, will be  
26 dealt with in the end at that specific dollar. Let me read these because, and I'm not  
27 going read the dollar amounts. In addition in this process, you will find just like with the  
28 CDBG process and others that folks may have requested more dollars than are being  
29 appropriated --.

30  
31 Councilmember Leventhal,  
32 Madam President.

33  
34 Council President Praisner,

35 Or recommended for appropriation. This is the reconciliation list.

36  
37 Councilmember Leventhal,

38 Just to be clear I'm trying to assist those in the audience who are keeping score. Am I  
39 correct in understanding Madam President, that the Council President's  
40 recommendation then is the list recommended by Peggy plus the list that has just been  
41 handed out.

42  
43 Council President Praisner,  
44 Right, Exactly.



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1  
2 Councilmember Leventhal,  
3 Just wanted to clarify that.

4  
5 Council President Praisner,  
6 Right, I'm sorry. That's fine.

7  
8 Councilmember Leventhal,  
9 Thank you.

10  
11 Council President Praisner,  
12 I need all the help I can get to make sure we're clear. This is in addition to the 1.1 million  
13 recommended by, through the review process by Peggy. So in addition to the 1.1, the  
14 following nonprofits receive or are on the reconciliation list. They have not been  
15 approved as yet. Grab, Top Banana, Inner Ages, Liberties Promise, Central Familia,  
16 October Fest, Montgomery Village Foundation, Boys and Girls Club Academic  
17 Enrichment of Germantown, Identity, Impact Silver Spring Youth Media Center, Animal  
18 Welfare League, Habitat For Humanity, Alzheimer's Association, Bethesda Cares,  
19 Conflict Resolution Center, Jewish Foundation for Group Homes Respite, Somalia  
20 American Community Association, Asian American Legal Resource Center, Educational  
21 Video in Spanish, African Immigrant Refugee Foundation, Alpha Pi Alpha Fraternity,  
22 First AME Church, Latin American Youth Center, MC Coalition for the Homeless,  
23 People's Community Baptist Church and Galway Elementary School PTA. These grants  
24 have been added to the reconciliation list as well. And those plus the 1.1 million and the  
25 others that have already been added to the reconciliation list by virtue of the ESOL and  
26 other programs are now on the reconciliation list for Council's further consideration  
27 tomorrow. Let me also note again that I wish there were more dollars in this category  
28 but as Councilmember Leventhal indicated there are many millions of dollars that have  
29 already either been approved for the future budget or are already on the reconciliation  
30 list for consideration. I know there are folks here today who are happy to see that they  
31 are further being considered. There are others who are obviously disappointed. This is  
32 never an easy process for the Council. But with the limited dollars that were being  
33 added for consideration, this was what we came up with in consultation with  
34 Councilmembers. Thank you. This concludes the grants process for today. There are  
35 two other very brief items that are budget related that I want to deal with very quickly.  
36 Councilmember Berliner, you have a motion for budget for the reconciliation list and I  
37 have one as well. The Montgomery Cares.

38  
39 Councilmember Berliner,  
40 Madam President, as my colleagues and I discussed when we were going over the  
41 Montgomery Cares situation, there is the issue of \$540,000 that is remaining of, if you  
42 will, newfound dollars. Newfound dollars is a result of a good thing which was the  
43 reduction in costs associated with pharmacy and the issue is whether or not those  
44 dollars which were found very late in the game and even later there were proposals as





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1 to how to spend those dollars. As to whether or not at this moment in time given our  
2 budgetary situation we shouldn't defer action on this and ask for them to come back in a  
3 Supplemental after they have done a little more homework with respect to how these  
4 dollars should best be spent particularly in the context of more conversation with the  
5 Advisory Board and others. And respecting as the Chair has done to ensure that this  
6 organization spends its dollars wisely as we help it grow and grow very quickly. So we  
7 had deferred action on this item in order to see where we are in our budget process. I  
8 am advised by those with more knowledge than I with respect to our budget situation  
9 that at this moment in time it would serve us well to put these dollars on the  
10 reconciliation list in case we need them and it is with that in mind that I so move.

11  
12 Council President Praisner,  
13 Absent, I won't treat it as a motion. Absent any objection at this point we will place  
14 \$541,000 additional dollars for Montgomery Cares on the reconciliation list. The second  
15 item deals with Montgomery County Public Schools. Absent any objection we will place  
16 \$250,000 on the reconciliation list for Montgomery County Public Schools, from the  
17 budget that had been preliminarily reviewed. It will be an additional \$250,000. Okay.  
18 With that we have, staff will do the puts and takes. We have one more piece of business  
19 to deal with today. And that is the Bill for Final Reading, Expedited Bill 6-07, Structure of  
20 County Government - Non-Merit Positions and I will turn it over to the Chair of the MFP  
21 Committee, Councilmember Trachtenberg. And remember this is an expedited bill which  
22 will require six votes to pass so that it can go into, what's the word I want?

23  
24 Mike Faden,  
25 Effect.

26  
27 Council President Praisner,  
28 Effect. That's the word I want. Such a very big word to need at this hour. Will go into  
29 effect.

30  
31 Mike Faden,  
32 It would also, because it creates new non-merit positions requires six votes on that  
33 score also.

34  
35 Council President Praisner,  
36 On that score.

37  
38 Council President Praisner,  
39 Okay, fine.

40  
41 Councilmember Trachtenberg,  
42 Correct.

43  
44 Council President Praisner,



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1 Alright, Councilmember Trachtenberg.

2  
3 Councilmember Trachtenberg,  
4 I'm actually going to ask those who have joined us at the table to simply introduce  
5 themselves for the purpose of the recording. We'll start with you Mike.

6  
7 Mike Faden,  
8 Mike Faden, Council legal staff.

9  
10 Tim Firestine,  
11 Tim Firestine, Chief Administrative Officer.

12  
13 Bob Debernardis  
14 Bob Debernardis, Assistant to the Chief Administrative Officer.

15  
16 Councilmember Trachtenberg,  
17 Thank you for being here this morning. On May 1st, the MFP Committee had a  
18 worksession on Expedited Bill 6-07 and recommended enactment of the bill with one  
19 amendment which would maintain the position of Director of the Commission for  
20 Women as a merit position. The other issues that were discussed in Committee were  
21 specific to the Regional Service Centers. And also the slot of the Chief Technology  
22 Officer. Our Council President, you know, indicated she would circulate a memo around  
23 the Service Centers which I think she has done in the interim. But again, the Committee  
24 recommendation was simply to go ahead and have an enactment of the proposed bill  
25 with one amendment provided and I would simply note that this bill would add 15 non-  
26 merit positions to the 39 that are now in the Executive Branch but again the total  
27 number of non-merit positions would still amount to .6% of the positions in County  
28 government. I would ask Mr. Firestine if he'd like to make any comments about what's  
29 before us.

30  
31 Tim Firestine,  
32 Just a general comment. First, thanks for considering this legislation and I know you  
33 have a busy schedule so we do appreciate the fact that you put it on during your busy  
34 schedule to try to finalize it. (laughter). And I will say that Mr. Leggett asked that you  
35 support the bill as he did request in terms of all 15 positions. You know, managing the  
36 government it's about assuring accountability and responsibility in government and one  
37 way to do that is to assure that your senior management team is on the same  
38 wavelength and we think by passing this bill for these 15 positions will help assure that.

39  
40 Council President Praisner,  
41 Okay.

42  
43 Councilmember Elrich,  
44 Question.



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Council President Praisner,  
Question, yes?

Councilmember Elrich,  
Section 2, 27-33 there's fees and then Section 2 is effect on incumbents, if that was the Executive's intention does it need to be in here? I mean, this codifies it. And it seems to me that if the Executive intended to leave people in place, he can leave people in place but it also means that should he reach a conclusion that that's not in the best interest of the County government, putting this in here hamstrings his ability to deal with that. And if it was up to me, I would remove the effect on incumbents and leave it to discretion and the Executive can either say I'm not going to move anybody or he is going to move people.

Tim Firestine,  
Well again, I think in proposing the legislation, you know, in the interest of fairness to those who, you know, fill the position are merit employees within the context of the merit system. His original concept was that this would evolve over time to make all of those positions freed up as appointed positions. I can't say we disagree with you but I think it was a question of fairness to those who fill the positions.

Councilmember Elrich,  
Can't you achieve fairness by acting fairly?

Council President Praisner,  
What a novel – .

Councilmember Elrich,  
( laughter ) And there's fairness to them but there's also fairness to everybody else and I'm, you know, I'm a little bit bothered that if it was the opinion reached that things were in the way of accomplishing what we need to accomplish, then this becomes an impediment to that. And I would like to strike this section and trust the fairness of the Executive.

Mike Faden,  
Just two points I would make. One is that without this section I believe the effect would not be there. In other words, without this section, the conversion when this bill takes effect of these positions to non-merit means that the Executive could have, in the future could dismiss any of those.

Councilmember Elrich,  
He's a fair and just Executive.

Mike Faden,



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1 Indeed. But the second point is that this position, this section, this provision stays in  
2 effect beyond the term of this Executive as long as any of these incumbents occupy  
3 their positions.

4  
5 Council President Praisner,  
6 So this relates to this Executive but it only relates to these positions that are being  
7 changed. The 15 positions.

8  
9 Mike Faden,  
10 Correct. Whichever of them are changed.

11  
12 Council President Praisner,  
13 Whichever happens first.

14  
15 Mike Faden,  
16 Right.

17  
18 Council President Praisner,  
19 Okay. Alright.

20  
21 Councilmember Elrich,  
22 I'd move to strike Section 2.

23  
24 Council President Praisner,  
25 There's a motion before us to strike Section 2, which deals with the effect, the  
26 relationship to the individuals in the positions at this point. Is there a second? No  
27 second.

28  
29 Councilmember Elrich,  
30 Fair enough.

31  
32 Council President Praisner,  
33 Okay. Councilmember Ervin.

34  
35 Councilmember Ervin,  
36 I hope this is the right time to do this but I'd like to offer an amendment.

37  
38 Council President Praisner,  
39 Now is the right time.

40  
41 Councilmember Ervin,  
42 Alright. I think most of you have a copy of the amendment, if not I'm going to pass it  
43 down.



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1 Council President Praisner,  
2 No I don't. Nope.

3  
4 Councilmember Ervin,  
5 It was given to confidential aides so if you didn't get it, I have copies so we'll wait until  
6 everybody gets a copy.

7  
8 Council President Praisner,  
9 Yeah, okay.

10  
11 Councilmember Ervin,  
12 But in effect, my motion is the following and that is to maintain the following positions as  
13 merit positions. Director Office of Consumer Protection and Director Office of Human  
14 Rights.

15  
16 Council President Praisner,  
17 Okay. Because the Committee recommendation is the Office of Commission for Women  
18 already.

19  
20 Councilmember Ervin,  
21 Exactly.

22  
23 Council President Praisner,  
24 So what you would be taking is Consumer Protection and Human Rights, correct?

25  
26 Councilmember Ervin,  
27 Yes and offering the amendment right to add that to the Commission for Women.

28  
29 Council President Praisner,  
30 Is there a second to that amendment?

31  
32 Councilmember Leventhal,  
33 I'll second it.

34  
35 Council President Praisner,  
36 Okay. So that amendment is before us. Discussion. Councilmember Elrich.

37  
38 Councilmember Elrich,  
39 I'd like to offer a substitute which is 18204, the language of Ms. Ervin's proposal but not  
40 the 11-2 Officer of Consumer Protection.

41  
42 Council President Praisner,  
43 So your substitute would deal with the Commission for Women which already exists.



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1 Councilmember Elrich,  
2 Right.

3  
4 Council President Praisner,  
5 It doesn't deal with that.

6  
7 Councilmember Elrich,  
8 Just the Office of Human Rights.

9  
10 Council President Praisner,  
11 And it adds the Office of Human Rights to that but not the Office of Consumer  
12 Protection.

13  
14 Councilmember Elrich,  
15 Yes.

16  
17 Unidentified  
18 We have all three options that are before us.

19  
20 Council President Praisner,  
21 Well, is that substitute motion, is there a second to that substitute motion?

22  
23 Councilmember Knapp,  
24 I'll second it.

25  
26 Council President Praisner,  
27 Councilmember Knapp. (laughter) Alright, let's be clear.

28  
29 Councilmember Knapp,  
30 I missed the co-sponsorship thing earlier too.

31  
32 Council President Praisner,  
33 Alright, the motion in front of us, the substitute motion which we will deal with first is the  
34 motion to add the Office of Human Rights to the Office, the Office of Commission for  
35 Women which the Committee had already identified to remain a merit position. So  
36 anyone who is speaking is now speaking on the substitute which really deals exclusively  
37 as a difference from the Committee's recommendations and I'd like to deal with  
38 conversation only on the change at this point which is the Office of Human Rights. So  
39 action on the Office of Human Rights. Councilmember Leventhal.

40  
41 Councilmember Leventhal,  
42 Thank you Madam President. I'm going to try and stay within the constraints that you've  
43 offered here but I, let me just say a couple of things and I'll only speak this one time. I'm  
44 going to vote for the substitute, although I seconded the original motion. I appreciate the



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1 work of the MFP Committee on this and I appreciate the important role of the  
2 Commission for Women. I've enjoyed working with the Commission for Women on a  
3 wide range of issues and I'm especially appreciative of the work that they did working  
4 with the HHS Committee to develop information to assist domestic workers to  
5 understand their rights better. I think that was a great example of how the Commission  
6 was flexible and quick and really served the public interest and I'm grateful for that.  
7 However I found the Committee's position to be the least intellectually defensible, I have  
8 to say. I think that a strong argument could be made for Ms. Ervin's point that Consumer  
9 Protection, Human Rights and Commission for Women all need some level of  
10 independence, need some ability to advocate for issues without fear of favor and  
11 independent of the Director sort of serving at the County Executive's pleasure. I think  
12 the, I have to say the least strong argument there is the Commission for Women,  
13 knowing as well as I do the work that the Commission does. Now I'm not trying to get  
14 into a great debate. I'm prepared to vote for Mr. Elrich's substitute that would protect the  
15 independence and preserve the Commission for Women Director in the merit system  
16 but it seems to me that if you do that, the logic follows that the Human Rights  
17 Commission also ought to be included and that's why I will vote for Mr. Elrich's  
18 substitute. Both of these positions it could be argued, are answerable to a Commission  
19 in addition to being part of the Executive Branch and coming under the County  
20 Executive. Let me give all fair credit to the County Executive. I would have been  
21 perfectly happy this morning to vote for the County Executive's original bill. I don't think  
22 that a majority of my colleagues are going to go that way and I've spoken with  
23 colleagues and that's my sense. So given that, and look, it's a close call. There are  
24 arguments that can be made for the independence of these positions in a merit system  
25 capacity and there are arguments as the County Executive has made to have these  
26 positions more accountable directly to the elected head of County government and I  
27 understand both. I would have been in a close call, willing to let the County Executive's  
28 views tip the balance and go along with the County Executive. My strong sense is that's  
29 not where the Council is at. And so my judgment is that Mr. Elrich's substitute, in my  
30 view, is intellectually consistent, that is we are not singling out the Commission for  
31 Women as the only entity that should be independent and answerable to a Commission  
32 and free of political pressure because Human Rights I think is also a strong argument.  
33 But it also provides the County Executive overwhelmingly with most of what he asked  
34 for. We are creating out of 15 positions, 13 of them now move from the merit system  
35 into a Question A status and I think, and I frankly think this is the best deal the County  
36 Executive is going to get on this. So I respect the County Executive's interest in  
37 reforming government. I respect his leadership. I think he's doing a great job. I'm going  
38 to vote for Mr. Elrich's substitute.

39  
40 Council President Praisner,

41 I'm going to call on Mr. Firestone in a moment but I have to say something with due  
42 respect to my colleague, Mr. Leventhal. These merit positions consult with  
43 Commissions in an advisory role. They do not and never have and never will, no matter  
44 what merit or non-merit, take direction from an appointed advisory Committee which the



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1 Commissions are. They provide input, but these employees are not directed by any  
2 advisory Committee. There is no advisory committee in this County that tells an  
3 appointed or, whether it's appointed by an Executive or appointed through the merit  
4 process, what to do. We need to be very clear about that. And I want to say it over and  
5 over again. No advisory committee directs employees. They never have. And they  
6 never will. Mr. Firestine.

7  
8 Tim Firestine,  
9 Well. ( laughter ).

10  
11 Council President Praisner,  
12 Well, I think he was going to say the same thing. Maybe not as forcefully.

13  
14 Tim Firestine,  
15 Maybe not as strongly or that forcefully.

16  
17 Council President Praisner,  
18 It's got to be said.

19  
20 Tim Firestine,  
21 Just a couple of comments on these two positions. And I understand that what you're  
22 telling me is where the Council is. I guess what is a bit confusing to the County  
23 Executive and to me is why these two positions are singled out and for some reason  
24 they are treated differently. I think Mike Faden made a good argument with respect to  
25 the Director of the Commission for Women, the fact that, you know, the County  
26 Executive can in a sense appoint a different Commission during the period of time that  
27 the Executive is here. But this position is, you know, it's a key position in terms of policy  
28 decisions that, you know, the government is intended to carry out. And it's a subject that  
29 I'm trying to figure out why it's so different than, you know, the Department of  
30 Environmental Protection or some of the other key areas where, you know, clearly there  
31 are opinions about what that department's policy perspective should be. And we talked  
32 about the Department of Environmental Protection, I mean, you know, that's clearly one  
33 where you have different philosophies and why wouldn't you try to protect that position  
34 and make it a merit position so that, you know, it can be pro-environment? I mean I  
35 don't understand why it's --. What's that? No, that one is already a non-merit. But we're  
36 trying to figure out why these two subject areas are different. And it's not that every  
37 Commission for Women Director position is a merit. I mean Fairfax County and  
38 Frederick County as we pointed out both have Commission for Women Executive  
39 Directors that are non-merit appointees. On the office of Human Rights it's even more  
40 puzzling because as we talked about in Committee, Mr. Leggett chaired, you know, that  
41 Commission and I think has a good appreciation. And I think he has a good appreciation  
42 of what the requirements of that Commission would be, especially as it relates to the  
43 Director position. So it's just puzzling because I, I haven't heard the argument yet for  
44 why these two positions should be singled out in government. I mean a case was





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1 presented by Mr. Faden that said that the Office of Human Rights Director has quasi  
2 judicial function. Well, as we pointed out, they're, you know, appointed Directors. The  
3 CAO has quasi judicial responsibilities. So, you know, it's, we're trying to find the chain  
4 of logic here that sort of justifies these or singling out these positions as why they  
5 should be not included as non-merit. They're part of the management team, they're  
6 huge policy issues, they do deal with and they should be in lock step with where the  
7 Council and the Executive want to go.

8  
9 Council President Praisner,  
10 Councilmember Ervin.

11  
12 Councilmember Ervin,

13 I want to speak to Marc's motion. First of all, I'm concerned about a person who is a  
14 political appointee being able to maintain his or her objectivity if they become political  
15 appointments especially in the Office of Human Rights and even though the Office of  
16 Consumer Protection is not what we're speaking to I'm going to get to that in a second.  
17 But I think we ought to exempt these offices from any political pressure that could  
18 influence the ability for those folks to be able to do their jobs. And as Mike Faden  
19 pointed out in his packet that Human Rights Commission and its Director do have  
20 significant quasi judicial functions and it's not the same as you just pointed out earlier  
21 the Department of Economic, or Department of Environmental Protection. They are not  
22 the same. They are very, very different. And the Director should be able to decide these  
23 cases free from concerns about personal or professional consequences and there are  
24 many other jurisdictions in the state of Maryland who have gone the other way in their  
25 Human Rights Commission and now many of those Commissions are looking to this  
26 very decision here in Montgomery County because they believe if we go the wrong way,  
27 there's going to be little hope for any changes coming down the pike. And during the  
28 Ehrlich administration, not Elrich, Ehrlich administration, the State Commission on  
29 Human Rights was forbidden to support any human rights legislation that came before  
30 the state. This was a huge problem. And for those people who were appointed, they had  
31 to fear for their jobs. And this is not the way I think Montgomery County should set the  
32 tone. We should be the standard bearer, we shouldn't be the follower. And so, because  
33 of that, I'm going to support this motion. I also believe unfortunately that my predecessor  
34 Councilmember Tom Perez fought very hard to transform the Division of Consumer  
35 Affairs in DHCA and to create an independent Office of Consumer Protection with  
36 departmental status. And I wasn't on the Council at that time but I fully support the intent  
37 of where Councilmember Perez went and ended up getting the Council to support his  
38 position. So I fully support my colleague, Marc Elrich's amendment and I intend to vote  
39 that way. One more point. Mr. Leggett was never Chair of the Office of Human Rights.  
40 He was head of the Human Relations Commission which had a very different function  
41 and it had an all volunteer committee. And so those two things are not the same so  
42 we're comparing an apple to an orange.

43  
44 Council President Praisner,



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1 Okay. Councilmember Floreen.

2  
3 Councilmember Floreen,

4 Thank you. Well, I think these are good arguments that could be made about any part of  
5 the legislation in front of us frankly. There is a concern about introducing politics into all  
6 appointments, all decisions. That actually is the world in which we occupy frankly. So  
7 I'm not sure that you ever avoid that frankly. But I have to say I do very much respect  
8 the right of a new County Executive to form a government in a direction where he wants  
9 to go. And I do not think that these positions, the change in these positions will make a  
10 significant difference one way or the other in terms of where they're headed at this  
11 moment in time or where they will continue to be headed. So I support the legislation  
12 that was introduced, but I am particularly persuaded and I totally disagree with Mr.  
13 Leventhal about the intellectual weakness of the Committee's recommendation with  
14 respect to the Commission on Women. Because I do think that is one particular  
15 situation in which it, the needs it serves are so significant, so broad based and frankly I  
16 don't believe as politically influenced as some would believe and so I support the  
17 Committee's recommendation on that and I don't think we should be picking favorites  
18 otherwise throughout the positions that the County Executive has recommended be  
19 changed in character. Because you could go down this entire list and you could make  
20 the same argument, as far as I'm concerned, certainly about the Regional Service  
21 Centers and everything else. But I do think this is a right and an opportunity to give it a  
22 chance and see how it goes. So I support the Committee recommendation.

23  
24 Council President Praisner,  
25 Councilmember Leventhal.

26  
27 Councilmember Leventhal,

28 Ms. Floreen, if you're prepared to vote for the original bill I think we could probably  
29 change the outcome here. But if you're voting for the Committee's recommendation,  
30 then I think it's important to support the substitute because I feel strongly that the case  
31 to be made for the Human Rights Commission is equally as strong as the case to be  
32 made for the Commission for Women. I respect the work of the Commission for  
33 Women. I do not think that the Commission for Women above and beyond any other  
34 Commission at issue here uniquely requires political independence. That was the point I  
35 was trying to make. If I was not clear I want to try to clarify that but if you're prepared to  
36 vote for the original bill, so am I and I think we could get a majority of the Council to do  
37 that. If instead you prefer the Committee's recommendation then let us stick with Mr.  
38 Elrich's substitute.

39  
40 Council President Praisner,  
41 Councilmember Elrich.

42  
43 Councilmember Elrich,



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1 A couple things. I very much support in general the Executive having more authority,  
2 that's why I moved earlier to remove this stricture on non-positions not being touchable.  
3 And having had enough discussions with people and hearing the word bureaucratic  
4 reluctance used it makes me wish that you were going further in the appointments, in  
5 the administration because I think you need to be able to implement the programs that  
6 you want to implement. You need to have people in positions in the Executive Branch  
7 who are going to carry out what you want to do, not be obstacles to what you want to  
8 do. So I very much support that. But I do think that consistency argues that the Human  
9 Rights Commission should be treated, the Office of Human Rights should be treated in  
10 the same manner as the Commission for Women. And that's why I made my substitute  
11 motion.

12  
13 Council President Praisner,  
14 Councilmember Trachtenberg.

15  
16 Councilmember Trachtenberg,  
17 You know, at this point I feel compelled to speak briefly to what I was thinking in the  
18 Committee discussion and I had put my line down in the sand from the beginning about  
19 this which is that I thought taking out the ED position over at the Commission for  
20 Women was really the right thing to do. I certainly know from a lot of the work that I've  
21 done nationally that when the position has been made a political appointment that there  
22 have been impacts, you know, down the road which have not been particularly positive  
23 for the work of the women's advocacy community. And at this point, I would respectfully  
24 submit to my colleagues that I would hope that part of the recommendation from MFP  
25 would be honored. I'm not quite sure I agree with what Councilmember Leventhal said.  
26 But I certainly believe that there's merit in part of what he said and I am prepared at this  
27 point to support the motion that Councilmember Elrich has made. You know, I don't  
28 know that we're going to get a perfect situation here and that goes to what  
29 Councilmember Floreen said about removing the politics and the fact that that's not  
30 often, you know, it's not the environment that we live and we work in. So I just want to  
31 make it clear that I still support having the Women's Commission slot out and that at this  
32 time I'm prepared, and I've been persuaded, to support the position on Human Rights.

33  
34 Council President Praisner,  
35 Councilmember Ervin.

36  
37 Councilmember Ervin,  
38 Everything is political obviously and it's clear to me that the Commission for Women  
39 whom I support wholeheartedly has had the political wherewithal to lobby this Council  
40 very forcefully and very strongly over the last several months. Unfortunately, for the  
41 Office of Consumer Protection and the Office of Human Rights, we didn't have the same  
42 kind of political clout and didn't have the same kind of powerful people acting on their  
43 behalf. Unfortunately, for those two offices. So I just hope in the future that, you know,  
44 people understand that for me, when I see this kind of, you know, political machinations



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1 in full out play at the Council, sometimes we do things for reasons that might not exactly  
2 be what I consider the right reasons, but I'm going to support, again, I'm going to  
3 support Mr. Elrich's motion. I just wanted to make sure I said that on the record.

4  
5 Council President Praisner,

6 Okay. As I believe the substitute motion is in front of us. The implications of which would  
7 be to add to the Committee's recommendation the Office of Human Rights. All in favor  
8 of the substitute motion please indicate by raising your hand. Councilmember  
9 Leventhal, Knapp, Trachtenberg, Elrich, and Ervin. The motion carries. There are no  
10 further motions before us. Mr. Elrich's motion having been a substitute for the previous  
11 motion. We now have the bill in front of us for Council consideration. I guess I could  
12 have taken the votes of those opposed. That would have been finishing the vote. Let's  
13 indicate that everyone else who didn't vote in favor is voting no. (laughter) Okay. That  
14 would be Andrews, Praisner, and Floreen and Berliner. And that means it still carries.  
15 So let's do the role call vote Madam Clerk.

16  
17 Council Clerk,  
18 Ms. Ervin?

19  
20 Councilmember Ervin,  
21 Yes.

22  
23 Council Clerk,  
24 Mr. Elrich?

25  
26 Councilmember Elrich,  
27 Yes.

28  
29 Council Clerk,  
30 Ms. Floreen?

31  
32 Councilmember Floreen,  
33 Yes.

34  
35 Council Clerk,  
36 Ms. Trachtenberg?

37  
38 Councilmember Trachtenberg,  
39 Yes.

40  
41 Council Clerk,  
42 Mr. Leventhal?

43  
44 Councilmember Leventhal,



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1 Yes.  
2  
3 Council Clerk,  
4 Mr. Andrews?  
5  
6 Councilmember Andrews,  
7 Yes.  
8  
9 Council Clerk,  
10 Mr. Berliner?  
11  
12 Councilmember Berliner,  
13 Yes.  
14  
15 Council Clerk,  
16 Mr. Knapp?  
17  
18 Councilmember Knapp,  
19 Yes.  
20  
21 Council Clerk,  
22 Ms. Praisner?  
23  
24 Council President Praisner,  
25 Yes. The Legislation carries 9-0. I want to apologize for my goof in not asking my  
26 colleagues who voted no, myself included, on the amendment, not doing so, but I was  
27 actually staggered by the discussion. We are adjourned.